

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 16-0693 JVS (DFMx) Date January 5, 2018Title Libby C. Sparks v. Wells Fargo Home Mortgage, Inc., N.A., et al.Present: The Honorable James V. SelnaKarla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (IN CHAMBERS) Order DENYING Motion to Dismiss

On December 4, 2017, Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) filed a motion to dismiss Plaintiff Libby C. Sparks’s (“Sparks”) First Amended Complaint (“FAC”). (Mot., Docket No. 21.) Sparks filed an opposition. (Opp’n, Docket No. 27.)

Wells Fargo’s notice of motion states: “This motion is made following a meet and confer pursuant to L.R. 7-3 which concluded on December 4, 2017.” (Mot., Docket No. 21 at 3.)

Local Rule 7-3 requires that the parties meet and confer “at least seven (7) days prior to the filing of the motion.” If the parties cannot resolve the issue, then the counsel for the moving party must include in the notice of motion the following statement: “[t]his motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date).” *Id.* Wells Fargo failed to comply with Local Rule 7-3. The notice of motion does not provide enough information for the Court to ascertain whether the parties actually met and conferred at least seven days prior to the filing of the motion. At minimum, it shows that the motion was filed the same day that the meet and confer occurred.

Accordingly, the motion to dismiss is denied without prejudice for failing to comply with Local Rule 7-3. The January 22, 2018 hearing is vacated. The motion may be re-noticed so long as the renewed motion complies with the Federal Rules of Civil Procedure and this Court’s Local Rules, including Local Rule 7-3.

IT IS SO ORDERED.

Initials of Preparer

kjt

00